

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

| | | |
|------------------------------|---|----------------------------|
| ROBERT CARL PUTNAM, #1715050 | § | |
| VS. | § | CIVIL ACTION NO. 6:13cv223 |
| DAVID TRAYLOR, ET AL. | § | |

ORDER OF PARTIAL DISMISSAL

Plaintiff Robert Carl Putnam, an inmate confined in the Texas prison system, filed the present civil rights lawsuit pursuant to 42 U.S.C. § 1983 concerning the medical care he received while confined at the Rains County Jail. The complaint was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Fourth Report and Recommendation concluding that the claims against Defendant Jonathan Beasley should be dismissed since he has not been served and because the Plaintiff has not provided a current correct address in order to have him properly served. The Plaintiff has filed objections.

In his objections, the Plaintiff asserted that Defendant Beasley should not be dismissed for a mere technicality. Nonetheless, it is the Plaintiff's responsibility to provide the information necessary to serve Beasley. *Kersh v. Derozier*, 851 F.2d 1509 (5th Cir. 1988). It is not the duty of the Court nor the attorney representing Rains County to locate Beasley for him.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Putnam to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections raised by

Putnam are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Fourth Report and Recommendation (docket entry #70) is **GRANTED**.

It is further

ORDERED that the motion to serve Defendant Jonathan Beasley through the Flowers and Davis law firm (docket entry #55) is **DENIED**. It is finally

ORDERED that the claims against Defendant Jonathan Beasley are **DISMISSED** without prejudice for failure to obey an order and want of prosecution. Fed. R. Civ. P. 41(b).

So ORDERED and SIGNED this 13th day of January, 2014.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE